

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS

Civil Action No. 04-10299-RGS

NEW ENGLAND WATERPROOFING, INC.,  
a Massachusetts corporation, doing business  
under the trademark "Crack-X,"

Plaintiff

v.

DAVID DALESSANDRI,

Defendant

WAIVER OF SERVICE OF SUMMONS

TO: Steven T. Sager, Esq.  
Sager & Schaffer LLP  
182 Turnpike Road, Suite 250  
Westborough, MA 01581

I acknowledge receipt of your request that I waive service of a summons in the action of *New England Waterproofing, Inc. v. David Dalessandri*, which is case number **04-10299-RGS** in the *United States District Court for the District of Massachusetts*. I have also received a copy of the complaint in the action, two copies of this instrument, and a means by which I can return the signed waiver to you without cost to me.

I agree to save the cost of service of a summons and an additional copy of the complaint in this lawsuit by not requiring that I (or the entity on whose behalf I am acting) be served with judicial process in the manner provided by Rule 4.

I (or the entity on whose behalf I am acting) will retain all defenses or objections to the lawsuit or to the jurisdiction or venue of the court except for objections based on a defect in the summons or in the service of the summons.

I understand that a judgment may be entered against me (or the party on whose behalf I am acting) if an answer or motion under Rule 12 is not served upon you within 60 days after (date request was sent), or within 90 days after that date if the request was sent outside the United States.

8 March 04

Date

David A. Dalessandri

David Dalessandri

7 Susan Road

Cape Elizabeth, ME 04107